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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,547	03/10/2004	Jay McNally	084820.00006	4408
33448	7590	09/06/2006	EXAMINER	
ROBERT J. DEPK LEWIS T. STEADMAN ROCKEY, DEPK, LYONS AND KITZINGER, LLC SUITE 5450 SEARS TOWER CHICAGO, IL 60606-6306				EHNE, CHARLES
ART UNIT		PAPER NUMBER		
		2113		

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/797,547	MCNALLY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charles Ehne	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 March 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-7 recite the limitation "the further data storage" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4-9 and 11-14 are rejected under 35 U.S.C. 102(b) as being unpatentable by Prahlad (US 2001/0047459).

As to claim 1, Prahlad discloses a system for recovering electronic documents archived in a data storage mechanism comprising: a computer connected with said data storage mechanism, where the computer retrieves a stored data file comprising original electronic document data information and further wherein the retrieved stored data file is automatically analyzed and categorized into one or more of a plurality of distinct categories (Page 2, ¶0024, lines 2-5 & Page 2, ¶0031 & Figure 4).

As to claim 2, Prahlad discloses the system of claim 1, wherein the computer is connected via a network connection to the data storage mechanism (Figure 7, Page 3, ¶0037).

As to claim 4, Prahlad discloses the system of claim 1, wherein the further data storage mechanism is a hard drive (Figure 7.732, Page 3, ¶0038, lines 13-17).

As to claim 5, Prahlad discloses the system of claim 1, wherein the further data storage mechanism is a tape drive (Page 3, ¶0038, lines 13-17).

As to claim 6, Prahlad discloses the system of claim 1, wherein the further data storage mechanism is a DVD (Figure 7.734, Page 3, ¶0038, lines 13-17).

As to claim 7, Prahlad discloses the system of claim 1, wherein the further data storage mechanism is a CD-ROM (Figure 7.734, Page 3, ¶0038, lines 13-17).

As to claim 8, Prahlad discloses a method for recovering electronic mail archived in a data storage mechanism comprising the steps of:

providing a computer with access to said data storage mechanism (Page 2, ¶0024, lines 2-5);

retrieving a stored data file comprising original electronic mail data information from the data storage mechanism (Page 2, ¶0024, lines 2-5); and

further wherein the retrieved stored data file is automatically analyzed and categorized into one or more of a plurality of distinct categories (Figure 4 & Page 2, ¶0031).

As to claim 9, Prahlad discloses the method of claim 8, wherein the computer is connected via a network connection to the data storage mechanism (Figure 7, Page 3, ¶0037).

As to claim 11, Prahlad discloses the method of claim 8, wherein the further data storage mechanism is a hard drive (Figure 7.732, Page 3, ¶0038, lines 13-17).

As to claim 12, Prahlad discloses the method of claim 8, wherein the further data storage mechanism is a tape drive (Figure 7.736, Page 3, ¶0038, lines 13-17).

As to claim 13, Prahlad discloses the method of claim 8, wherein the further data storage mechanism is a DVD (Figure 7.734, Page 3, ¶0038, lines 13-17).

As to claim 14, Prahlad discloses the method of claim 8, wherein the further data storage mechanism is a CD-ROM (Figure 7.734, Page 3, ¶0038, lines 13-17).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prahlad taken in view of Cannon (6,021,415).

As to claims 3 and 10, Prahlad discloses a wherein the computer is connected to the data storage mechanism via an Ethernet network (Figure 7, Page 3, ¶¶0037). Prahlad fails to disclose wherein the computer is connected via a wireless network connection to the data storage mechanism.

Cannon discloses a storage system coupled to one or more client computers (column 2, lines 18-20). Clients are able to retrieve files from the storage subsystem (column 2, lines 38-41). Cannon does disclose wherein the computer is connected via a wireless network connection to the data storage mechanism (column 4, lines 51-55).

It would have been obvious to one of ordinary skill in this art at the time of invention by applicant to modify the Ethernet network connection of Prahlad with the wireless network connection of Cannon. One of ordinary skill in this art would have been motivated to make this modification because a wireless connection is a suitable signal-bearing media to transmit data over a network (Cannon: column 11, lines 29-32).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Ehne whose telephone number is (571)-272-2471. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ROBERT BEAUSOUIL  
GOVERNMENT EXAMINER  
TELEPHONE CENTER 2100